

**DONNA F. COLLINS**  
**2 Transverse Avenue**  
**Baltimore, Maryland 21220**

**and**

**JOHN M. COLLINS**  
**2 Transverse Avenue**  
**Baltimore, Maryland 21220**

**Plaintiffs,**

**v.**

**WAL-MART STORES EAST, LP**  
**702 SW 8<sup>th</sup> Street**  
**Bentonville, Arkansas 72716**

**Serve on Resident Agent:**  
**The Corporation Trust Incorporated**  
**351 West Camden Street**  
**Baltimore, Maryland 21201**

**and**

**WAL-MART STORES, INCORPORATED**  
**701 South Walton Boulevard**  
**Bentonville, Arkansas 72716**

**Serve on Resident Agent:**  
**The Corporation Trust Incorporated**  
**351 West Camden Street**  
**Baltimore, Maryland 21201**

**Defendants.**

**IN THE**  
**CIRCUIT COURT**  
**FOR**  
**BALTIMORE COUNTY**

**CASE NO.:** 03-C-13-0010640

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BALTIMORE COUNTY

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**COMPLAINT**

COME NOW the Plaintiffs, DONNA F. COLLINS and JOHN M. COLLINS, by their attorneys, Louis G. Close, III and Christopher T. Casciano, and sue the Defendants, WAL-MART STORES EAST, LP and WAL-MART STORES, INCORPORATED, and state as follows:

1. At all times relevant hereto, the Plaintiffs Donna F. Collins and John M. Collins were residents and citizens of Baltimore County, Maryland.



2. The Defendant Wal-Mart Stores East, LP, is a limited partnership registered under the laws of Maryland and doing business in the State of Maryland.

3. The Defendant Wal-Mart Stores, Incorporated, is a corporation incorporated under the laws of Maryland and doing business in the State of Maryland.

4. The amount in controversy exceeds Seventy-Five Thousand Dollars (\$75,000.00).

#### **STATEMENT OF FACTS**

5. On the afternoon of January 2, 2012, the Plaintiff Donna F. Collins, a 53-year-old woman, presented to Wal-Mart store number 3481, a retail shopping center owned and operated by the Defendants, and located at 112 Carroll Island Road, Baltimore, Maryland 21220, for the purpose of purchasing store merchandise therein.

6. On the afternoon of January 2, 2012, the Plaintiff Donna F. Collins entered the Defendants' shopping facility, selected various merchandise for purchase and, upon completion of such, proceeded to the registers at the front of the store for checkout/payment.

7. At the aforesaid time and place, and following checkout/payment, the Plaintiff Donna F. Collins proceeded towards the store exit when, suddenly and without warning, she was caused to slip on a liquid substance, and fall to the ground, sustaining severe and permanent injuries.

8. As a result of her injuries, the Plaintiff Donna F. Collins has required, is requiring, and will in the future require the services of physicians, nurses, therapists and other medical personnel.

9. As a direct and proximate result of her injuries, the Plaintiff Donna F. Collins has been and will in the future be incapacitated from her normal and usual occupation, as well as recreational activities requiring full use of her body and limbs.

**COUNT I**

10. The Plaintiff Donna F. Collins incorporates in this Count the Statement of Facts set forth hereinabove, by reference thereto, as if the same were repeated herein.

11. The Plaintiff Donna F. Collins was lawfully on the Defendants' premises, as an invitee, at all times complained of.

12. At all times relevant hereto, the Defendants, Wal-Mart Stores East, LP and Wal-Mart Stores, Incorporated, owed a duty to the Plaintiff Donna F. Collins to use reasonable care to see that the floor between the checkout registers and the store exit, a portion of the property that invitees such as the Plaintiff may reasonably be expected to use, is safe.

13. The duty owed to the Plaintiff by the Defendants includes a duty to exercise reasonable care to protect against known or should be known dangers.

14. The Defendants, Wal-Mart Stores East, LP and Wal-Mart Stores, Incorporated, through its agents, servants and/or employees, breached its duty of care to the Plaintiff, and were negligent in allowing the store floor to accumulate liquid so as to render it dangerously slippery and unsafe for use. Such constitutes a breach of the duty owed to the Plaintiff, and other invitees, to use reasonable care to see that those portions of the property that the invitee may be expected to use, are safe for such use.

15. It is asserted that at all times relevant to these proceedings, the Plaintiff's conduct on January 2, 2012, in using the Defendants' premises, was reasonable and appropriate under these circumstances.

16. As a direct and proximate result of the breach of the duty of care owed to the Plaintiff by the Defendants, the Plaintiff Donna F. Collins was caused to slip and fall, resulting in severe and permanent injuries, including fracture of her left femoral neck.

17. Further, the Plaintiff was, is, and will in the future be caused to suffer great and excruciating physical pain and mental anguish, for which claim is made.

18. As a direct and proximate result of her injuries, the Plaintiff Donna F. Collins, has been caused and will in the future be caused to incur great expense for various medical treatments, prescriptions and therapy required to treat her injuries, and did incur additional losses, including but not limited to the fact that she was, is and will in the future be precluded from engaging in her normal occupation, activities and pursuits.

19. All of the injuries, losses and damages that the Plaintiff Donna F. Collins has sustained, and will in the future sustain, are as a direct and proximate result of the negligent acts, failures and omissions of the Defendants, Wal-Mart Stores East, LP and Wal-Mart Stores, Incorporated, with the Plaintiff being in no way contributorily negligent.

WHEREFORE, the Plaintiff Donna F. Collins requests and prays that Judgment be entered in favor of the Plaintiff and against the Defendants, Wal-Mart Stores East, LP and Wal-Mart Stores, Incorporated, jointly and severally, in an amount which exceeds the Seventy-Five Thousand (\$75,000.00) jurisdictional requirements, plus interest and costs.

## **COUNT II**

20. The Plaintiffs, Donna F. Collins and John M. Collins, incorporate in Count II the Statement of Facts and Count I set forth hereinabove, by reference thereto, as if the same were repeated herein.

21. The Plaintiffs, Donna F. Collins and John M. Collins, are now and were on January 2, 2012, husband and wife.

22. As a direct and proximate result of the negligent acts, failures and omissions of the Defendants, Wal-Mart Stores East, LP and Wal-Mart Stores, Incorporated, the Plaintiff, John M.

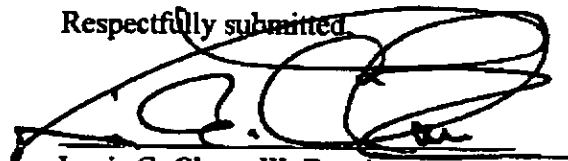
Collins, has suffered and sustained and will in the future suffer and sustain the loss and interruption of the marital services of his wife.

23. As a direct and proximate result of the negligent acts, failures and omissions of the Defendants, Wal-Mart Stores East, LP and Wal-Mart Stores, Incorporated, the Plaintiffs, Donna F. Collins and John M. Collins, have sustained and will in the future sustain damage to and interference with their marital relationship.

24. All of the injuries, damages and losses, past, present and perspective that the Plaintiffs, Donna F. Collins and John M. Collins have sustained, and will in the future sustain, are solely due to the negligent acts, failures and omissions of the Defendants, Wal-Mart Stores East, LP and Wal-Mart Stores, Incorporated, without any lack of due care on the part of the Plaintiffs, Donna F. Collins and John M. Collins, contributing thereto.

WHEREFORE, this action is brought and the Plaintiffs Donna F. Collins and John M. Collins, request and pray that Judgment be entered against the Defendants Wal-Mart Stores East, LP and Wal-Mart Stores Incorporated, jointly and severally, in an amount which exceeds the Seventy-Five Thousand (\$75,000.00) jurisdictional requirements, plus interest and costs.

Respectfully submitted



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*Attorneys for the Plaintiffs*

**DONNA F. COLLINS, et ux.**

**Plaintiffs,**

**v.**

**WAL-MART STORES EAST, LP, et al.**

**Defendants.**

**IN THE**

**CIRCUIT COURT**

**FOR**

**BALTIMORE COUNTY**

**CASE NO.: 09-C-13-0010640T**

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**ELECTION OF JURY TRIAL**

The Plaintiffs, Donna F. Collins and John M. Collins, elect to have this case tried before a jury.



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